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GP2877

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leonard H. Bieman

Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN OBJECT AT A VISION STATION

Docket No.: 139.045USR

Serial No.: 09/111,978

Filed: July 8, 1998

Due Date: September 22, 2001 (Saturday)

Examiner: Hoa Q. Pham

Group Art Unit: 2877

BOX AF

Commissioner for Patents
Washington, D.C. 20231

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We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Notice of Appeal (1 Page).
- ☒ A check in the amount of \$155.00 for the Notice of Appeal filing fee.

Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: Charles A. Lemaire
Atty: Charles A. Lemaire
Reg. No. 36,198

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: BOX AF, Commissioner for Patents, Washington, D.C. 20231, on this 24th day of September, 2001.

CHARLES A. LEMAIRE

Name

REGISTRATION # 36,198

Charles A. Lemaire
Signature

Customer Number 21186

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P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

S/N 09/111,978

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Examiner: Hoa Q. Pham

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Title: SCANNING PHASE MEASURING METHOD AND SYSTEM FOR AN
OBJECT AT A VISION STATION

*Notice
of
20/ Appeal*

**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

*G. Stanley
10-4-01*

BOX AF

Commissioner for Patents
Washington, D.C. 20231

In compliance with 37 C.F.R. § 1.191, Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated June 22, 2001, of the Examiner rejecting claims 30-85 of the above-identified patent application.

No extension of time is necessary to respond to the Examiner's rejection.

Our check in the amount of \$155.00 is enclosed to pay the Notice of Appeal fee under 37 C.F.R. § 1.17(b). Please charge any required additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

LEONARD H. BIEMAN

10/02/2001 SDENB081 00000023 190743 09111978

01 FC:219 5.00 CH 155.00 OP

By Applicant's Attorneys,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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Date

24th Sept. 2001

By

Charles A. Lemaire

Charles A. Lemaire
Reg. No. 36,198

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to BOX AF, Commissioner of Patents, Washington, D.C. 20231 on September 24, 2001 (Monday).

Name

CHARLES A. LEMAIRE
REGISTRATION # 36,198

Signature

Charles A. Lemaire

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/111,978 07/08/98 BIEMAN

L 139.6 ^{45USR}
~~USP~~

EXAMINER

MN41/9504

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PHAM, H	
ART UNIT	PAPER NUMBER

2877

DATE MAILED:

09/04/01

D. F.R. 3 Mo. - Sept. 22, 2001
F.R. 6 Mo. - Dec. 22, 2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Schwagman, Lundberg,
Woessner & Kluth, P.A.

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Advisory Action

Application No.
09/111,978

Applicant(s)
Biemann

Examiner
Hoa Q. Pham

Art Unit
2877



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED Aug 27, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY (check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The limitation "moving the object relative to both the projected pattern of light and the detector" in claims 30 and 60 raise new issue that would require further consideration and/or search.

4. ☐ Applicant's reply has overcome the following rejection(s):

5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:

7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: 1-29
Claim(s) objected to: _____
Claim(s) rejected: 30-85
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. ☐ Other: _____

HOA Q. PHAM
PRIMARY EXAMINER
ART UNIT 2877